

12/27/2011 13:54 FAX

001/005

FILED
IN CLERK'S OFFICE
DISTRICT COURT E D N Y

★ JAN 03 2012 ★

LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FRANK H. FINKEL, JOSEPH A. FERRARA SR.,
MARC HERBST, THOMAS PIALI,
CHRISTOPHER O. WARD, GARY LA
BARBERA, THOMAS GESUALDI, LOUIS
BISIGNANO, AND ANTHONY PIROZZI, as
Trustees and Fiduciaries of the Local 282 Welfare
Trust Fund, the Local 282 Pension Trust Fund, the
Local 282 Annuity Trust Fund, the Local 282 Job
Training Trust Fund, and the Local 282 Vacation
and Sick Leave Trust Fund,

Plaintiffs,

- against -

FUSELLA GROUP, LLC, GERARDO P.
FUSELLA and VINCENT J. FUSELLA,

Defendants.

Civil Action No.:
08-CV-0972 (LDW) (WDW)

CONSENT JUDGMENT

WHEREAS the parties, Plaintiffs Frank H. Finkel, Joseph A. Ferrara Sr., Marc Herbst, Thomas Piali, Christopher O. Ward, Gary La Barbera, Thomas Gesualdi, Louis Bisignano, and Anthony Pirozzi as Trustees and Fiduciaries of the Local 282 Welfare Trust Fund, the Local 282 Pension Trust Fund, the Local 282 Annuity Trust Fund, the Local 282 Job Training Trust Fund, and the Local 282 Vacation and Sick Leave Trust Funds, and Defendants Fusella Group, LLC and Gerardo P. Fusella and Vincent J. ("the Principals" and with the Company, the "Defendants"), wish to resolve this litigation without further litigation;

NOW, THEREFORE, the Parties agree as follows:

1. Denise Richardson, Thomas Corbett and Dominick Morrocco shall be substituted as a plaintiffs in the place of Christopher A. Ward, Thomas Piali, and Gary

LaBarbara. The caption of this case shall be deemed amended to reflect this substitution of parties.

2. Defendants Fusella Group, LLC, Gerardo P. Fusella and Vincent J. Fusella waive service of process and any defenses pertaining to the Court's jurisdiction over them, and any other defenses to entry of this Judgment.

3. Fusella Group LLC hereby consents to and shall have judgment entered against it in the amount of \$2,600,000.00.

4. Gerardo P. Fusella and Vincent J. Fusella consents to and shall have judgment entered against them, jointly and severally between and among themselves and Fusella Group, LLC for \$1,900,000.00 of the judgment entered against Fusella Group, LLC.

5. For the avoidance of doubt, the maximum amount of Fusella Group LLC's exposure pursuant to this judgment is \$2,600,000.00

6. Nothing in this consent judgment shall be considered an admission by Fusella Group, LLC, Gerardo P. Fusella, or Vincent J. Fusella of the allegations in the complaint.

7. Nothing in this consent judgment shall be deemed a waiver of (i) the Plaintiffs' right to assert that such judgment is excepted from discharge pursuant to 11 U.S.C. § 523, and (ii) Defendants' right to dispute, contest or otherwise object to same.

8. The parties acknowledge that they have consulted legal counsel of their choosing in this matter.

12/28/2011 09:43 17187867711


DAVISWARSHOW

PAGE 01/01


12/27/2011 13:54 FAX

003/005

On behalf of the
LOCAL 282 WELFARE TRUST FUND, THE LOCAL 282 PENSION TRUST FUND,
THE LOCAL 282 ANNUITY TRUST FUND, THE LOCAL 282 JOB TRAINING TRUST
FUND AND THE LOCAL 282 VACATION AND SICK LEAVE TRUST FUNDS

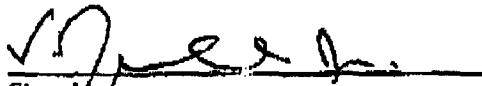

Employer Trustee

12/28/11
Date


Union Trustee

12/28/11
Date

On behalf of FUSELLA GROUP, LLC



Signed

12/23/11
Date

Vincent Fusella
Print Name


Owner
Title

Gerardo P. Fusella, in his personal and
individual capacity


Signed

12/23/11
Date

Vincent J. Fusella, in his personal and
individual capacity


Signed

12/23/11
Date

Judgment is hereby entered in favor of plaintiffs and against Defendant Fusella Group, LLC in
the amount of \$2,600,000.00, and, jointly and severally, against Defendants Gerardo P. Fusella
and Vincent J. Fusella for \$1,900,000.00.

SO ORDERED.

Dated: 1/3/12
Central Islip, New York

s/Leonard D. Wexler

THE HONORABLE LEONARD D. WEXLER, U.S.D.J.